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May 1, 2014

VIA ECF

Hon. Sandra J. Feuerstein  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY

Re: *Cecil Thomas, et al. v. TXX Services, Inc. et al*  
Civil Action No.: 13-cv-2789 (SJF)(WDW)

Dear Judge Feuerstein,

We represent the Plaintiffs, putative Collective Members, and putative Class Members in this matter. On April 14, 2014, United States Magistrate Judge Wall issued a Report and Recommendation ("Report")(Dk. No. 106) denying Defendants' motion for judgment on the pleadings and finding summary judgment was not appropriate at this point. At the end of Judge Wall's Report, the Court stated that any objections must be filed within fourteen (14) days and failure to do so would waive any right to appeal. *See Mace v. County of Sullivan*, 529 Fed. Appx. 92, 93 (2d Cir. N.Y. 2013)("This Circuit has stated that if a party fails to file a timely objection to a magistrate judge's report under 28 U.S.C. § 636(b)(1)(B) and Federal Rules of Civil Procedure 72(b) then the party waives its right to appeal from a judgment subsequently entered.") Pursuant to Rule 6 and 72(b) of the Federal Rules of Civil Procedure, Defendants were required to file their objections no later than April 28, 2014. However, Defendants filed their objections on April 30, 2014, which is two days after they could have been considered by this Court. Accordingly, we respectfully submit that Defendants' objections should not be considered and Plaintiffs need not reply thereto. Therefore, the Court should adopt Judge Wall's Report.

Thank you for Your Honor's attention to this matter.

Respectfully submitted,

/s/ Douglas Weiner

Douglas Weiner

Cc: Jeffrey Pagano, Esq. VIA ECF